

**BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM**

Quorum noted

5:30 PM: Meeting called to order by Chairman Moynahan.

Roll Call: Mr. Moynahan, Mr. Dunkelberger, Mr. Murphy, Mr. Beckert and Mr. Hirst.

Pledge of Allegiance recited

Moment of Silence observed

Approval of Minutes of Previous Meeting(s)

5:31 PM Motion by Mr. Dunkelberger, seconded by Mr. Beckert, to approve the minutes of October 17, 2013, as amended.

**VOTE
4-0
Chair concurs**

Motion by Mr. Dunkelberger, seconded by Mr. Beckert, to approve the minutes of October 24, 2013, as amended.

**VOTE
4-0
Chair concurs**

Public Comment:

There was no public comment.

Department Head/Committee Reports

5:32 PM

G1 TO : Board of Selectmen
FROM : Administrative Assistant
REF : Holiday Schedule

This was regarding the holiday schedule for the day after Thanksgiving and the days before Christmas and New Year's Day.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen approve closing the Town offices for the day after Thanksgiving, with pay, as well as closing the Town offices for a half day the day before Christmas and the day before New Year's Day, without pay, giving the employees the choice in how they want to take that time.

DISCUSSION

**BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)**

Mr. Blanchette clarified that they would be closing the office on those half days and, if employees wanted to be paid, then they could opt for a personal day, vacation day, comp time, etc. as compensation.

END DISCUSSION

VOTE

4-0

Chair concurs

Mr. Blanchette said that he also had a quit claim deed ready for a piece of property that the Board had approved to sell back to its original owner a couple of months ago and it just needed to be signed.

At this time, the Board signed the quit claim deed.

**5:35 PM
G2**

TO : Board of Selectmen

FROM : Public Works Director

REF : Transfer Station Hours, Part-time winter personnel, Road Management Funding Plan, RFP results, Grant Application, Sewer Plan – Right-of-Way notices (2)

Transfer Station Hours

Mr. Moulton discussed the poll he took regarding which days residents wanted the Transfer Station open. He said that, of 285 people who responded, 30 wanted Tuesday, 69 wanted Wednesday, 99 wanted Thursday and 87 had no preference, although that he was still personally receiving complaints that the Thursday/Saturday schedule was too close together.

Mr. Dunkelberger asked Mr. Moulton what he would recommend.

Mr. Moulton said that, regarding closures for extended periods of time to help budgeting issues, Wednesday would be the better day. He suggested that, if the Board went with Wednesday, that it be implemented after the holidays, as they fell on Wednesdays this year.

Mr. Moynahan asked if Mr. Moulton had three days that encompassed the 19 hours/ week the Transfer Station was open how much impact might there be on utilities, which made up a portion of the reductions Mr. Moulton was tasked to come up with – heating, electricity, and staffing for 19 total hours.

Mr. Moulton said that he thought that the heating would be the bigger issue for the winter months, as during the winter months the furnace would run more

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

frequently. He added that the idea behind the consecutive closures was to hold the heat down consistently without interruption and gaining a savings in costs.

Mr. Murphy discussed complaints he had heard of trash sitting until Thursday being too long and suggested Tuesday/Saturday be the days to be open.

Mr. Moulton said that, when the Transfer Station was open three days, Tuesday was the high-volume day.

After further discussion, the Board agreed to have the Transfer Station open Wednesdays after January 1st, allowing the DPW Director time to advertise the change and not interfere with the upcoming holidays; that they would revisit this at a later date to see how the change was working.

5:43 PM Part-time Winter Personnel

Mr. Moulton said that, as a yearly thing, he brought forward people he used on a yearly basis to help with winter maintenance operations.

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen grant the request, as presented.

VOTE

4-0

Chair concurs

5:44 PM Road Management Evaluation and Funding Plan RFP Results

Mr. Moulton discussed the summary of the RFP that was put out by himself, Ms. Pelletier, and Mr. Hirst; that they agreed to put forth CMA Engineers (lump sum cost of \$49,900) as the best choice of the five firms that submitted, as they brought forth the most state-of-the-art methodology, which characterized all assets of pavement surface and overall condition of the pavement.

Mr. Dunkelberger applauded their process, as it was very good. He asked if price was a consideration, as he didn't see that in the scorecard; that he noticed that the first and second were relatively close, as far as the score went, but significantly apart regarding the costs.

Ms. Pelletier said that that was the last thing that she looked at; that the wording was that that would be considered but would not be the deciding factor, and she thought that was how they all approached it; that that was the last thing she looked at after everything else, personally.

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

Mr. Dunkelberger asked if the work put forth between the top two comparable so that it did not make sense to go with the second highest, which was significantly lower.

Mr. Moulton discussed CMA's state-of-the-art methodology, explaining that this technology gave a much more detailed understanding of pavement conditions and better quantify needed repairs.

Ms. Pelletier said that a big thing for her was that the first proposal seemed to use fewer sub-consultants and, as she remembered, the second one had several, which could be its own headache.

Mr. Hirst said that he thought that FST was pretty similar in scope of work but felt that the experience with CMA and the technology they proposed to use was better; that he didn't pay attention to price until the end.

Mr. Dunkelberger said that he could understand when technology was better but the question was whether it was more useful to the Town in what Mr. Moulton wanted to do.

Mr. Moulton said, personally, he thought it was in considering what they were looking to achieve.

5:47 pm

Mr. Moynahan, referencing Mr. Dunkelberger's question, asked if it was worth removing what was budgeted for paving – was it that much better; that this was looking at getting into the paving line; that when this started they looked at using Maine reimbursement of \$35,000. He said that he looked at that as a cap, if they were to move forward on this; that the other company would probably fit within that cap. He said to Mr. Moulton that what he was saying was that the RSMS, which a lot of people had bid on and many towns in Maine used, was different than the Enterprise Information System and CMA was the only proposal that had the Enterprise Information System.

Mr. Moulton said that that was correct. He added that if he had the staff he could use the RSMS and do the work.

Ms. Pelletier said that she thought it was an important distinction to make that that was just an input; that one had to input their data into that software program and it then spit out a report that said the town should prioritize that and it would cost this. She added that the other technology was very interactive; that it was all one step, data was there for you and there was no inputting data; that the program manipulated it for them.

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

Mr. Moulton said that with the RSMS one physically went out to get the data visually; that the better technology could get every square inch of the roadway all the way through and detail all the issues versus going out to pick a bad spot and coming up with issues.

Mr. Murphy asked if he could compare these different ways of doing this in terms of their usability over a period of time, or did he use them at the start to get the thing going, or would he still be using them five years from now or ten years from now and which one would be best out over the long period of time.

Mr. Moulton said that they would be able to use, with the first one, the integrated portion of it for the entire 20-year plan that they had scoped out in the RFP.

5:50 PM Mr. Murphy said that the way they would use that there was a difference in man hours in using it over a long period of time; that they would end up spending five times as much sort of trying to analyze one system over the other.

Mr. Moulton added that it was more integrated via computerization.

Mr. Murphy said that that would use less man hours to get the benefits of it.

Mr. Moulton said that was correct.

Mr. Dunkelberger asked why he would need to know the particular condition of a square inch of road when he was considering the entire road in his plan process.

Mr. Moulton said that Eliot had a variation of sub-surface soils – from silts to clays – which are completely different and, when one had an area that was distinctive; for example, the technology may indicate that one would have to go into a certain section to do a box cut of roadway and re-stabilize that section, whereas, the whole roadway one may not have to do that.

Mr. Dunkelberger said that this, then, changed Mr. Moulton's perspective on how he maintained and repaired the roadways to a smaller section.

Mr. Moulton said yes.

Ms. Pelletier added that they could layer it onto the Town's GIS System that the Town already had, whereas, the State software wasn't compatible. She added that she thought that it would also eliminate the need to do borings.

5:52 PM Mr. Moulton agreed that was an option. He added that, to Mr. Moynahan's question, if they used the State funding as a cap, then they were fortunate enough that he had completed everything he had on his budget for this year and it came in

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

under budget, so there was some small amount of funds remaining in the paving line that could offset the cost for this. He said that, to him, this was a plus for a 20-year plan to bring forth to the Town to say this was what they reviewed, that this was what they had and whether the Town chose to fund it or not was up to the Town, but it was a 20-year plan with a 5-year CIP that would depict some of the major issues that they had; that, to him, it was a tool and a plan and, budget-wise, it was something they could bring to the Board that laid out each year how to plan expenditures based on roadway needs that would also better inform the residents of how they chose the repairs and maintenance.

5:55 PM Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen authorize the Public Works Director to enter in to agreement with CMA Engineers, INC. for a lump sum fee of \$49,900 for the professional engineering services for the road management and funding plan for the Town of Eliot, per Mr. Moulton's proposal of \$35,000 from State road assistance funding and a portion to come from the paving budget for the 2013/2014 budget.

DISCUSSION

Mr. Dunkelberger again commended Mr. Moulton for the process and added that, coming into this process, he was pretty convinced that he would not support the CMA proposal but had been kind of talked into it. He added that he did have reservations but he would let the group go with the full picture in making that choice.

VOTE

4-0

Chair concurs

5:58 PM Grant Application

This was to inform the Board of a grant applied for through the Maine Coastal Program Shore and Harbor program that would, primarily, improve access to the Piscataqua River at Park and Pleasant Streets; that it would also address some outfall rehabilitation issues at these two locations. This was for design and planning, not construction, and parking limitations would be included to see how usable it would actually be.

It was consensus of the Board for Mr. Moulton move forward with this.

6:01 PM Sewer Plan

This was regarding general maintenance and operational procedures for the Town of Eliot's sewer system that Mr. Moulton submitted to the Board for their information and updates would be forthcoming.

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

6:03 PM ROW letters

Mr. Moynahan said that these were letters being sent to folks indicating they had things in the Town's ROW; that on one of the roads the Town had just done some road repairs, asking if that would be the time to require that they move some of these things; that as they isolated these issues was that the time they should formally require landowners to remove Town ROW obstacles.

Mr. Moulton agreed, explaining that, in a particular instance, the Town plowed to the end of Clark Road, which then branched into two driveways, and the trees on Clark Road were put at or in the Clark Road ROW so is letter to these residents was to notify them that there was an ordinance that required a setback from the ROW. He added that he did not feel the Town should be held responsible for any damage, adding that they would not intentionally damage or destroy anything but, if they had a bad winter and the snow piled up, then things could be damaged.

Mr. Moynahan clarified that, if they realized there were those kinds of issues within the Town ROW, then wouldn't that be the time to fix it and notices actually requiring things be removed from the Town ROW – fences or bushes or what-have-you.

Mr. Moulton agreed and said that they did some of that this year down in South Eliot on some of the roadways, discussing some particular issues with cemeteries he had dealt with this past year and saying that they had made some adjustments to be flexible with landowners and trying not to incur unnecessary expenses to the Town based on current information. He added that residents have been very cooperative in this; that they (DPW) didn't want to be hardball but they needed to do the maintenance, reiterating that everyone had been great all around with many roadway folks around Town.

6:08 PM CMP Pole Permits

Mr. Moulton said that he had two CMP pole permits that he had reviewed and had no issue with.

At this time, the Board signed pertinent permits.

6:10 PM Town Manager Search Committee (Department Heads)

Mr. Rankie discussed the progress their group was making and how to arrange a hand-off of the selected candidates to the Board.

**BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)**

The Board agreed that the committee should give sealed, written candidate selections to Mr. Blanchette and the Board would meet on Tuesday, November 26 at 5:30 PM to review and select candidates for interviews in December.

New Business (Correspondence List):

6:14 PM

H1 TO : Board of Selectmen
 FROM : Charles Rankie
 REF : Letter of interest to be appointed to Board of Appeals as an alternate

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen appoint Charles L. Rankie Jr. to the Eliot Board of Appeals vacant alternate position that expires in June 2015.

**VOTE
4-0
Chair concurs**

H2 TO : Board of Selectmen
 FROM : Wendy Rawski, Town Clerk
 REF : Charter Commission – Appointment of Members

Mr. Moynahan said that, now that the voting is done, it is the Board's job to appoint three members to the Charter Commission. He added that this paralleled with H3, which was a request from Ms. Place to be appointed to the Charter Commission. He said that appointments did not have to be residents of the Town so, if the Board thought there was someone they thought could be of benefit to the Town, legal or otherwise and there was interest, the Board could actually solicit, which might aid the Commission in doing their work.

Mr. Dunkelberger said that Ms. Place could not be here this evening but has expressed a strong interest in doing this.

Mr. Dunkelberger moved, second by Mr. Murphy, that the Board of Selectmen appoint Maryann Place to the Charter Commission.

**VOTE
4-0
Chair concurs**

Mr. Moynahan said that Cindy Saklad had also expressed an interest but did not have a letter in writing yet.

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

Mr. Beckert suggested putting it out again for the next week for those still interested to submit letters of interest and the Board could then make a decision on the last two next week.

The Board agreed.

H3 TO : Board of Selectmen
 FROM : Maryann Place
 REF : Letter of interest to be appointed to Charter Commission

This was taken up under H2.

6:17 PM
H4 TO : Board of Selectmen
 FROM : Mike Moynahan
 REF : Action Item List #1, TIF District

This is to schedule a workshop and/or form a committee to develop economic options within the TIF District.

Mr. Beckert requested that the Board have Joan Fortin and Shanna Mueller come down to discuss legal options, what they thought was within the law – what the Town could and could not do.

Mr. Murphy asked if that was a motion.

Mr. Beckert moved, second by Mr. Murphy, that the Board of Selectmen have Attorney Fortin and Ms. Mueller down to discuss TIF options.

DISCUSSION

Mr. Dunkelberger discussed his confusion as he thought that they had had this discussion once already with regard to options; that they had some printed material on options regarding what has been done in other TIF areas. He suggested they have a workshop to brainstorm ideas and then engage legal if they came up with ideas and if it was appropriate, if there was some question in mind. He said that to him bringing legal in now, at the front end, didn't do them any good if they didn't have any ideas to talk to the attorneys about.

Mr. Beckert suggested they have legal here while they did the brainstorming.

Mr. Murphy said that one of the most important things was to be instructed as to what they may not do under the terms of Eliot's current TIF; that ideas the Board came up with might not be allowed.

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

Mr. Dunkelberger reiterated that they did have some written instruction and guidance, already, from those same attorneys so, to him, he thought the Board was wasting the attorneys' time at the Town's cost.

Mr. Moynahan thought that, as they have gone through a couple of sewer votes, that it might be beneficial to get some members of the public to be involved, even if it was a subcommittee to the Board, to do some of this work and, if they came up with a whole list of things, the Board could review that with the attorney or let the attorneys come to speak to that group when the group was at a certain point. He added that no matter what the Board came up with it would be wrong so he thought they should let some members of the public be involved and understand what the Board has worked on over the last five years.

Mr. Beckert agreed that they should get the public involved but he didn't see the harm in having a workshop, with the public involved, with the two ladies there, as well, as part of the discussion. He suggested having the attorneys there as part of the interactive discussion with the members of the public with the ideas that were coming out – have it be a workshop. He added that he thought that would be more informative than calling the attorneys in later and have them look at a list; that they could hear the discussions and hear what the people were putting out.

6:22 PM

Mr. Moynahan suggested that, if the Board had the attorneys down, the Board could express to them that the Board wanted some specific allowables and some specific non-allowables that were pretty generalized but covered a large basis of what may be looked at or discussed.

Mr. Dunkelberger said that he admired Mr. Beckert's thought but reiterated that he thought they would be wasting the attorney's time and the Town's money at this point.

Mr. Beckert commented that they (Board) had wasted a lot of their time and the Town's money leading up to this point and he thought that to get the interaction with the public and with the experts, in his opinion, was the way to go.

VOTE

3-1 (Mr. Dunkelberger)

Chair concurs with majority

Mr. Moynahan and Mr. Blanchette will work to get dates for the workshop and work to give ample time for members of the public to be able to attend.

6:25 PM

H5

TO : Board of Selectmen

FROM : Eric Spenlinhauer

REF : Video-streaming Report

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

This was the video-streaming report for the month of October; that some issues with this were being corrected.

6:26 PM
H6

TO : Board of Selectmen
FROM : FEMA
REF : Updated Preliminary Flood Insurance Rate Map and Insurance Study

Mr. Moynahan said that his question was who from the Town would review all this and, then, who was going to notify land owners if they are now found to be in a flood zone; that he didn't know what the next steps were with this.

Mr. Murphy said that he would think that any applicant for a land use would be referred to these maps, including the PB or the CEO.

Mr. Dunkelberger suggested the CEO might be a good place to start but it might be necessary for this to be a collaborative effort.

Mr. Moynahan said that what he was wondering was at what point did the land owners realize they were in a flood zone; that they would have to deal with insurance issues, etc. because the flood map has changed; that a land owner's property that wasn't in a flood zone would now be placed in a flood zone and asked if they had the ability to appeal this. He suggested the Board forward on an email to these folks with a web site.

Mr. Dunkelberger read a portion of the last paragraph: "*Your community's comments on the Preliminary FIRM panels and FIS report are an important part of our mapping process, and we will consider them carefully before we publish the FIRMs and FIS report in their final form.*"; that it went on to give a point of contact, both by phone and email.

There was discussion on how best to get this information out to property owners.

Mr. (Bob) Fisher said that he thought this was important information to get out to property owners as people might not know or pay any attention because they weren't in a flood zone right now.

Mr. Murphy said that he found 47 properties as being identified as having changes.

6:33 PM

Mr. Pomerleau said that the map had been posted on EliotOnline to point out that the new XNG operation was now flat right in the middle of a flood zone and they were hoping that would have some impact on it. He added that, as he followed the

BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)

links, he found that residents had a 90-day appeal period to challenge the findings. He said that he thought it would be very helpful and useful if the Town, at a minimum, notified people that might be in it and try to find out what the process was going to be for finalization and appeals.

Mr. Rankie suggested having the Conservation Commission look at this; that they did a lot of work a few years ago in wetland mapping.

The Board agreed this would be a good way to go, to have the Conservation Commission (CC) work with the CEO on this.

Mr. Murphy said that he would follow up with Mr. Crilley and get back to the Board promptly as to whether the CC would like to take this on.

6:39 PM The Board agreed to send out this package to all affected property owners, as well.

Mr. Dunkelberger suggested letting the CEO know that this was a high-interest item to the Board.

Mr. Moynahan agreed.

6:40 PM
H7

TO : Board of Selectmen
FROM : Mark G. Phillips
REF : New Building Permit Fees, Follow up

Mr. Moynahan said that this was brought before the Board several months ago regarding inequitable building permit fees regarding manufactured housing; that the Board never determined what they were going to do next.

Mr. Murphy said that he thought they should be truthful and use the right words. He added that the suggestion made by the writer was to put this all into an artificial group of "unfinished space" category and he suggested setting up a new category – used mobile home – and change that fee schedule.

Mr. Moynahan said that he was happy with that type of thing; that he was just looking for direction/conversation from the Board on just how to do this.

6:42 PM Mr. Blanchette suggested this should go to the PB.

Mr. Beckert agreed; that the PB voted on the changes to the fees not too long ago.

**BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)**

The Board agreed that this should be forwarded on to the PB for their review and revision.

H8 TO : Board of Selectmen
FROM : Mike Moynahan
REF : Sweet Peas, LLC and Elizabeth Todak – Growth Permit

This was removed from the agenda.

6:43 PM

H9 TO : Board of Selectmen
FROM : Zachary M. Fabish, Staff Attorney
REF : Update on Air Quality Control Petition

This was an informational update that included that the EPA was extending their date to take final action until May 8, 2014.

6:44 PM

H10 TO : Board of Selectmen
FROM : Mike Moynahan
REF : Action Item List #6, Selectmen's Policies Workshop

Mr. Moynahan asked if the Board could do a workshop next week specific to Selectmen's Policies; that they may have one or two other pieces of business but it would specifically be a workshop.

The Board agreed to have a workshop on Thursday, November 21 at 5:30 PM.

Old Business (Action List):

There was no discussion on this tonight.

1. Tax Increment Finance Program – Potential projects, next steps, schedule workshop
2. Good Neighbor Petition
3. Police Union Contract – Mr. Moynahan, Mr. Dunkelberger, Mr. Blanchette, & Chief Short
4. Community Service Space: Relocation to Elementary School – fit up costs, service impacts, insurance, MSAD #35 contract - Building Committee
5. Town Manager - Job description, sample contracts, hiring committee

**BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)**

6. Policy creation/review – Selectmen's Policies
7. Employees – cross-training, charting earned times, job descriptions - BOS
8. Liaisons to boards, committees, and commissions – review existing members, try to fill open spots; Committee/Board – Mission Statement Review - BOS
9. Budget Preparation – Fiscal year 2015, goals, formats, etc. Department Head Workshop - BOS
10. Pay-per-Bag Recycling – 6-month trial, public information sessions
11. Regionalization – explore areas of potential collaboration, cost reductions & enhancements to services – Mr. Moynahan, Mr. Hirst
12. Legal issues – BOS
13. Sewer - User Rates, reserved allotments, odor, maintenance– Sewer Committee, Underwood Engineers, Mr. Moulton
14. Department Heads – monthly reports, employee reviews, financial oversight, policy reviews, and department reviews – BOS
15. Research grant opportunities – AED's for Town buildings – Fire Chief
16. Comp Plan follow-up
17. Public Works Union Negotiations – Mr. Moynahan, Mr. Dunkelberger, Mr. Moulton and Mr. Dave Barrett

Town Hall/Recreation Union Negotiations - Mr. Moynahan, Mr. Dunkelberger, Mr. Moulton and Mr. Dave Barrett
18. Public Hearings Scheduled – November Referendum for Municipal Charter, Sewer Improvements and Sewer Ordinance

6:45 PM

Selectmen's Report:

Mr. Murphy said that he and Mr. Blanchette attended the meeting in South Berwick regarding the corrective work on Shorey's Brook and Quamphegan crossings. He said that the repair of those culverts and the bridge were slated to be done in July/August; that they would close the roads for 14 days to get it all done. He added that the expected cost on Shorey's Brook culvert was \$445,000 and the Quamphegan crossing was \$230,000.

**BOARD OF SELECTMEN'S MEETING
November 14, 2013 5:30PM (continued)**

Other Business as Needed

There was no other business.

**6:47 PM
Executive Session**

Mr. Beckert moved, second by Mr. Hirst, that the Board of Selectmen enter into executive session as allowed by 1 M.R.S.A §405.6.A. "Discussion or consideration of the employment, duties, promotion, demotion, compensation, evaluation, disciplining..."

**VOTE
4-0
Chair concurs**

7:43 PM Out of executive session. The Board took no action.

Adjourn

There was a motion and second to adjourn the meeting at 7:44 PM.

**VOTE
4-0
Chair concurs**

DATE

Mr. John J. Murphy, Secretary